

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7416**

**BILL NUMBER:** HB 1472

**DATE PREPARED:** Jan 11, 1999

**BILL AMENDED:**

**SUBJECT:** HIV testing of inmates.

**FISCAL ANALYST:** Ron Sobecki

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**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill requires a court that sentences a person to a penal or correctional facility for a period of at least one year to require the person to undergo: (1) a screening test for the human immunodeficiency virus (HIV); and (2) the test annually thereafter during the period that the person remains incarcerated. The bill requires that whenever a test confirms the presence of HIV antibodies, the court shall notify the convicted person and order that the results be reported to the State Department of Health. It requires the Department of Correction to pay for the testing.

This bill requires the State Department of Health to submit an annual report to the Governor, the Legislative Council, and the Department of Correction regarding: (1) the prevalence of acquired immune deficiency syndrome (AIDS) and HIV in persons incarcerated in penal and correctional facilities in Indiana; and (2) current treatments for AIDS and HIV offered by the Department of Correction and suggestions for improvements.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** This bill requires a court to order an individual who has been sentenced to at least one year in a penal or correctional facility to be tested for HIV annually until release. The Department of Correction (DOC) is required to pay for these tests. According to 1997 data from the DOC, there were approximately 6,300 new admissions to all DOC correctional facilities. Assuming a similar number of new admissions each year, DOC would need to conduct 6,300 HIV tests in the first year of the required testing. According to the SDOH, the cost to conduct each test is \$12.50. Therefore, the total cost of testing the first year would be \$78,750 (6,300 new admissions x \$12.50). Under current SDOH protocol an individual testing HIV antibody positive is tested a second time. According to information from the SDOH, approximately 0.5% of DOC admissions would be HIV positive. Approximately 31 individuals (6,300 admissions x 0.5%) would be tested a second time. The cost of this second testing would be \$388 (31 individuals x \$12.50). Assuming these individuals test positive a second time they are required to undergo

a confirmatory test. The confirmatory test is the Western Blot test and the cost of each test is \$125. Assuming all 31 individuals would be tested using the Western Blot test, the total cost of the third test would be \$3,875 (31 individuals x \$125). Assuming that DOC uses the same HIV testing protocol as the SDOH, the estimated total cost of testing in the first year would be \$82,988 (\$78,750 + \$388 + \$3,875).

In the second year new admissions and those individuals not released from the previous year would be tested. Assuming the number of new admissions would be stable and assuming the same number of individuals would need to be tested a second and a third time, the total cost of testing would also be \$82,988.

According to DOC the average length of stay for Class D Felony offenders in 1997 was 8.5 months. There were an estimated 2,500 Class D Felony offenders that were admitted in 1997. Therefore, in second year of testing, 3,770 offenders (6,300 individuals minus 2,500 released individuals minus 31 individuals who tested HIV antibody positive in the first year) would be tested. The cost of testing those individuals still incarcerated from the first year would be \$47,125. No information is available on the incidence of individuals becoming HIV positive during incarceration, so the number and cost of subsequent tests is unknown. Total testing costs in the second year would be \$130,113.

A similar pattern of testing would occur in the following years. The fiscal impact for subsequent years would be based on admissions to DOC facilities and the number of individuals released from previous admissions. According to DOC information based on 1997 admissions the average time served for D felonies is 8.5 months, Class C felonies 1 year 7 months, Class B felonies 3 years 4 months, and Class A felonies 7 years 4 months.

The bill requires the State Department of Health to prepare a report for the Governor, the Legislative Council, and the DOC regarding the prevalence of AIDS and HIV in persons incarcerated in correctional facilities in Indiana and the current treatments offered by the DOC. This reporting requirement can be absorbed in the existing budget.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction, State Department of Health.

**Local Agencies Affected:**

**Information Sources:** Planning Division, Department of Corrections.